

Melanie's Law

“Melanie's Law” was signed into law on October 28, 2005. Its purpose is to enhance the penalties and administrative sanctions for **Operating Under the Influence (OUI)** offenders in Massachusetts. The information below highlights the new penalties under the law and those sections that pertain to RMV suspensions.

Operating Under the Influence of Alcohol While Already Suspended for OUI

Melanie's Law establishes a new offense of **Operating Under the Influence of Alcohol and Operating After Suspension for Drunk Driving**. This means that a driver, who was driving under the influence of alcohol while his/her license was already suspended for OUI, can be charged with two crimes at once: 1.) OUI and 2.) OUI with a suspended license. This additional offense carries a minimum of a 1-year mandatory jail sentence.

New Law	Penalty	Loss of License
OUI while operating after a suspension for a previous OUI offense	1-year minimum mandatory sentence – 2 ½ years imprisonment in a house of correction and a fine of \$2,500 - \$10,000.	1 year license suspension

Employing or Allowing an Unlicensed Operator to Operate a Motor Vehicle

Melanie's Law has defined the penalties for allowing or employing an unlicensed driver (including relatives, friends, or known acquaintances) to operate a Motor Vehicle.

New Law	Penalty	Loss Of License
No person shall employ an individual with a suspended license as a motor vehicle operator	1st Offense = up to a \$500 fine 2nd Offense = up to 1 year imprisonment in a house of correction and/or a fine up to \$1000	License and/or registration suspension up to 1 year
No person shall allow a vehicle owned by him/her or under his/her control to be operated by an unlicensed person	1st Offense = 1 year imprisonment in a house of correction and a fine of not more than \$500 2nd Offense = 2 ½ years imprisonment in a house of correction and/or a fine of up to \$1000	License and/or registration suspension up to 1 year
No person shall allow an individual with an Ignition Interlock restriction to operate a vehicle not equipped with the device	1st Offense = 1 year imprisonment in a house of correction and a fine of up to \$500 2nd Offense = up to 2 ½ years imprisonment in a house of correction and/or a fine of up to \$1000	License and/or registration suspension up to 1 year

Child Endangerment While Operating a Motor Vehicle Under Influence of Alcohol

Melanie's Law creates a new crime of Operating a Motor Vehicle Under the Influence of Alcohol With a Child 14 Years of Age or Younger in the Vehicle. This means that a driver can be charged with two crimes at once: 1.) OUI and 2.) Child Endangerment While OUI.

New Law	Penalty	Loss of License
Operating a motor vehicle under the influence of alcohol with a child 14 years of age or younger in the vehicle	1st Offense = 90 days – 2 ½ years imprisonment in a house of correction, and a \$1,000-\$5,000 fine. 2nd Offense = 6 months – 2 ½ years in a house of correction and a fine of \$5000 - \$10,000, or 3-5 years in a state prison	1st Offense = 1 year license suspension 2nd Offense = 3 year license suspension

Registration Cancellation

Melanie's Law allows the Registry to cancel the registration plates of anyone convicted of a 3rd or subsequent alcohol-related driving offense for the duration of the suspension period.

Vehicle Forfeiture

Melanie's Law allows a District Attorney to seek forfeiture of a motor vehicle for any defendant convicted of a 4th or subsequent alcohol-related driving offense.

Chemical Test Refusal or Failure

Melanie's Law eliminates the allowance of a 15-day temporary license. In addition, the operator's vehicle will be impounded for 12 hours.

The license suspension periods for refusing a chemical test have increased as well. See the suspension table on the next page.

License Suspension Periods for Refusing a Chemical Test		
Note: For this table, a prior operating under the influence (OUI) offense refers to a court conviction for OUI or a court-ordered assignment to an alcohol education program. Chemical test refusals do not count as prior OUI offenses.		
AGE	LICENSE SUSPENSION	
Drivers over age 21	No Prior OUI Offenses	180 days
	1 Prior OUI Offense	3 years
	2 Prior OUI Offenses	5 years
	3 or More Prior OUI Offenses	Lifetime
Drivers age 18 to 21	No Prior OUI Offenses	3 years + 180 days
	1 Prior OUI Offense	3 years + 180 days
	2 Prior OUI Offenses	5 years + 180 days
	3 or More Prior OUI Offenses	Lifetime
Note: The additional 180-day suspension for drivers under age 21 is designed to get youths charged with OUI who refuse a chemical test to undergo alcohol education. It does not matter what happens with your court case. Even if you win the case, it will not change the requirement for you to take an alcohol education course. If this is your first OUI case, the 180-day suspension can be waived upon entry into a Department of Public Health (DPH) approved alcohol education program.		
Drivers under age 18	No Prior OUI Offenses	3 years + 1 year
	1 Prior OUI Offense	3 years + 1 year
	2 Prior OUI Offenses	5 years + 1 year
	3 or More Prior OUI Offenses	Lifetime
Note: The additional 1-year suspension for drivers under age 18 is designed to get youths charged with OUI who refuse a chemical test to undergo alcohol education. It does not matter what happens with your court case. Even if you win the case, it will not change the requirement for you to take an alcohol education course. If this is your first OUI case, the 1-year suspension can be reduced to 180 days upon entry into a Department of Public Health (DPH) approved alcohol education program.		

Manslaughter by Motor Vehicle

Melanie's Law creates a new crime of Manslaughter by Motor Vehicle. Any driver who commits manslaughter while operating a motor vehicle while under the influence of alcohol or drugs shall be convicted of Manslaughter by Motor Vehicle.

New Law	Penalty	Loss of License
Manslaughter while under the influence of alcohol or drugs	5 year minimum mandatory sentence – 20 years imprisonment in state prison and a fine of not more than \$25,000	15 years - lifetime license suspension

Motor Vehicle Homicide

Melanie's Law increases the length of license suspension from 10 years to a minimum of 15 years for a conviction of Motor Vehicle Homicide.

Ignition Interlock Devices

Starting January 1, 2006, any driver with a **second or subsequent operating under the influence offense** who is eligible for a hardship license or for license reinstatement will be required to have an Ignition Interlock Device attached to any vehicle the driver owns, leases, or operates (including an employer's vehicle) at the driver's expense. The goal of this device is to protect both the public and the driver from continued unlawful operation of a motor vehicle. Massachusetts now joins a majority of states in utilizing this technology.

A driver with a hardship license must use the device for the **entire life of the hardship license and for two additional years after the license has been reinstated.**

If a driver with two or more OUI offenses is eligible for license reinstatement, **the Ignition Interlock Device will be required for two years.** This two-year period is mandatory (even if the device was used with a hardship license).

A driver who has received a suspension of 5 years or longer for a chemical test refusal will be required to have a device for the balance of the chemical test refusal suspension period if a court orders an early reinstatement.

Installation of the Ignition Interlock Device is a mandatory condition of the issuance of a hardship license or of license reinstatement.

Once the device is installed, a driver will be required to pass a breath test before starting the vehicle. Any blood alcohol reading of greater than .02 will prevent the vehicle from starting. Every 30 days, the driver must return to the vendor, who will upload and transfer data from the device to the RMV.

Failure to comply with the Ignition Interlock Device requirements under the law will result in a license revocation from 10 years to life.

For information on how to obtain and use an Ignition Interlock Device, see the *Ignition Interlock Device* brochure (this is available in all full-service RMV branches and online at www.mass.gov/rmv).